

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

FILED - GR

September 19, 2022 1:17 PM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY:JMW SCANNED BY: KB 9-20

Kainte Hickey

(Enter above the full names of all plaintiffs, including prisoner number, in this action.)

v. Unknown Stump Et. AL.

(Enter above the full name of the defendant or defendants in this action.)

COMPLAINT

Verified

I. Previous Lawsuits

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in this and other federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$400.00 filing fee regardless of whether your complaint is dismissed.

A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☐ No ☒

B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

2. Is the action still pending? Yes ☐ No ☐

a. If your answer was no, state precisely how the action was resolved:

3. Did you appeal the decision? Yes ☐ No ☐

4. Is the appeal still pending? Yes ☐ No ☐

a. If not pending, what was the decision on appeal?

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☐

If so, explain:

II. Place of Present Confinement

Ernest C. Brooks Correctional Facility

If the place of present confinement is not the place you were confined when the occurrence that is subject of instant lawsuit arose, also list the place you were confined:

Ionia Bellamy Creek Correctional Facility

III. Parties

A. Plaintiff(s)

Place your name in the first blank and your present address in the second blank. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff Kaante Hickey
Address Ernest C. Brooks Corr. Facility 2500 S. Sheridan Rd. Muskegon MI 49444

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. If there are more than four defendants, provide the same information for each additional defendant. Attach extra sheets as necessary.

Name of Defendant #1 unknown stump
Position or Title corrections sergeant
Place of Employment Ionita Bellamy Correctional Facility
Address 1727 W. Blue Water Hwy Ionita MI
Official and/or personal capacity? Both

Name of Defendant #2 unknown Nelson
Position or Title corrections officer
Place of Employment Ionita Bellamy Correctional Facility
Address 1727 W. Blue Water Hwy Ionita MI
Official and/or personal capacity? Both

Name of Defendant #3 Unknown Shon Doe #1
Position or Title corrections officer
Place of Employment Ionita Bellamy Correctional Facility
Address 1727 W. Blue Water Hwy Ionita MI
Official and/or personal capacity? Both

Name of Defendant #4 Unknown Shon Doe #2
Position or Title corrections officer
Place of Employment 1727 W. Blue Water Hwy Ionita MI
Address Ionita Bellamy Correctional Facility
Official and/or personal capacity? Both

Name of Defendant #5 unknown Shon Doe #3
Position or Title corrections officer
Place of Employment Ionita Bellamy Correctional Facility
Address 1727 W. Blue Water Hwy Ionita MI
Official and/or personal capacity? Both

KEANTE HICKEY

DEFENDANT #6; UNKNOWN JOHN DOE #4
POSITION/TITLE; CORRECTIONAL OFFICER
PLACE OF EMPLOYMENT; IONIA BELLANY CREEK CORRECTIONAL FACILITY
ADDRESS; 1727 BLUEWATER HWY IONIA MI
OFFICIAL AND/OR PERSONAL CAPACITY; BOTH

DEFENDANT #7; UNKNOWN FOX
POSITION/TITLE; CORRECTIONS SERGEANT
PLACE OF EMPLOYMENT; IONIA BELLANY CREEK CORRECTIONAL FACILITY
ADDRESS; 1727 BLUEWATER HWY IONIA MI
OFFICIAL AND/OR PERSONAL CAPACITY; BOTH

DEFENDANT #8; CRAIG RITTER
POSITION/TITLE; P/C (SCC MEMBER)
PLACE OF EMPLOYMENT; IONIA BELLANY CREEK CORRECTIONAL FACILITY
ADDRESS; 1727 BLUEWATER HWY IONIA MI
OFFICIAL AND/OR PERSONAL CAPACITY; BOTH

DEFENDANT #9; UNKNOWN NORMINGTON
POSITION/TITLE; RESIDENT UNIT MANAGER (SCC MEMBER)
PLACE OF EMPLOYMENT; IONIA BELLANY CREEK CORRECTIONAL FACILITY
ADDRESS; 1727 BLUEWATER HWY IONIA MI
OFFICIAL AND/OR PERSONAL CAPACITY; BOTH

DEFENDANT #10; S JONES
POSITION/TITLE; ASSISTANT DEPUTY WARDEN (SCC MEMBER)
PLACE OF EMPLOYMENT; IONIA BELLANY CREEK CORRECTIONAL FACILITY
ADDRESS; 1727 BLUEWATER HWY IONIA MI
OFFICIAL AND/OR PERSONAL CAPACITY; BOTH

** Each defendant knew or should have known that they were violating the law

KIANTE HICKEY

EXHAUSTION

Plaintiff Hickey used the grievance procedure at IBC to attempt to resolve these issues of arbitration by the government officials who all acted under color of state law to no avail

LEGAL CLAIMS

Plaintiff Hickey re allege and incorporate paragraphs 1 thur 4

CLAIM 1 Violation of U S Constitution Amendment 8 On 8é18é20 Defendant Stump Ramirez and John Doe s #1 thur #4 slammed plaintiff on the ground while handcuffed behind his back so hard that he started to lose consciousness then Ramirez and John Doe s #1 thur 4 stripped plaintiff naked and held him down while defendant Supervisor Stump yanked on plaintiffs penis and scrotum and then after having the other defendants flip the plaintiff over Stump proceeded to force his fingers in the plaintiffs rectum further causing pain and suffering in violation of the 8th Amendment to the United States Constitution (excessive use of force infliction of pain and suffering) Cruel and Unusual Punishment

CLAIM 2 Violation of U S Constitution Amendment 1 Defendant Stump Nelson Fox Ritter Normington and Jones all retaliated against plaintiff Hickey in response to his protected conduct against supervisor Stumps and other agents who assisted Stump in their excessive force against plaintiff in violation of the First Amendment to the United States Constitution (Retaliation to Protected Conduct)

CLAIM 3 Violation of U S Constitution Amendment 8 On 6|13|21 Plaintiff was assaulted by another inmate after defendant Stump ordered members of a gang to assault plaintiff who refused to

and demanded him to stop. He stated I can do whatever I want to you here boy. Then he threatened to hurt me really bad if I didn't sign off my Prea Grievance against him. Stating This is your last warning. I contacted my family who once again notified the warden about this incident. I refused to sign off.

5 On 6/13/21 I was stabbed by another inmate. While being placed in segregation the inmate stated I didn't want to stab you but that it was either you or me as I was given the order from the leader of my gang. I asked why because I had no problems with his gang and he stated Sgt Stump requested the hit on you and threatened to put us the whole crew on STG Status if we didn't get you removed from General Population. I grieved this incident and my family notified the warden concerning this incident.

6 On 1/21 Sgt Stump entered my cell while I was in the shower and dumped all my pictures, papers and legal documents into the toilet and trashed my cell.

7 On 1/21 when I complained to Sgt Fox he falsified my response on grievance #2112792/281, forged my signature when I NEVER signed off on unresolved grievance issues.

8 On 12/16/21 during breakfast rounds Officer Nelson gave me a food tray that was missing a big portion of the food on the menu that day. When I asked for the proper portion Officer Nelson stated You're not getting shit. Write a grievance like you did on Sgt Stump.

9 On 12/16/21 at lunch rounds Officer Nelson pretended he was placing a food tray in my cell through the food slot and when I reached for the tray he yanked it back stating Sgt Stump sends his regards. No food for you.

10 Later that day Stump made a round in segregation stopped at

my cell and stated Ummm Food Loaf I told you I am untouchable here at IBC and grievances do nothing I wipe my ass with them and i can have you hurt (touched) anytime I want

11 Officer Nelson wrote me a false misconduct requesting 7 days food loaf for writing a grievance on Sgt Stumps assault and sexual harrassment when I never received the food tray in order to misuse it

12 On 6/13/21 I was place in temp seg pending transfer to another facility due to being stabbed by an inmate who stated he was forced to do it by Sgt Stump Temp Seg cells are used for prisoners on detention pending a major court violation hearing I was held in the detention cell under the guise that I was pending transfer for 11 months When I complained to the Security Classification Committee (SCC) I was told sarcastically to [write a grievance and you ll be in here longer] 400 transfers were processed in the 11 months I was held in this detention cell subject to the same punishments restrictions and denial of privileges as those on detention sanctions

sign off on grievances on Stump and other officers who used excessive force against the plaintiff in violation of the Eighth Amendment (excessive force infliction of unnecessary pain and suffering) Cruel and Unusual Punishment to the United States Constitution

CLAIM 4 Violation of U S Constitution Amendment 1 and 8 On 6|13|21 plaintiff was classified to temporary segregation for protection purposes and held in a punitive cell and kept subject to punitive confinement for 11 months in segregation due to his protected conduct to the Security Classification Committee (SCC) in violation of the First Amendment Retaliation to the United States Constitution and unlawful excessive confinement|detention in violation of the Eighth Amendment to the United States Constitution

PRAYER OF RELIEF

Plaintiff asks this Honorable Court to Order a Declaratory Judgment that the acts and omissions of these defendants violated plaintiffs State and Federal Laws in violation of the United States Constitution

COMPENSATORY DAMAGES in the amount of 1,000 000 [One Million Dollars] lump sum against Defendants Stump Ramirez and the other four (4) John Doe Officers who used excessive force and sexually assaulted plaintiff

COMPENSATORY DAMAGES in the amount of \$200000 thousand each against Defendants Stump Nelson Fox Ritter Normington and Jones for their retaliation in response to plaintiffs protected conduct

PUNITIVE DAMAGES in the amount of \$100 000 [One Hundred Thousand Dollars] against each defendant who used excessive force against plaintiff

PUNITIVE DAMAGES in the amount of \$50,000 thousand against each defendant for their retaliation to plaintiff grievances [protected conduct] against prison staff in this complaint

IV. Relief

Continued

State briefly and precisely what you want the court to do for you.

Plaintiffs cost of suit
Jury Trial Demanded
And All Relief The Honorable Court Deems
Necessary.

Verification

Plaintiff Hickey swears under penalty of perjury that the
above statements are true to the best of his knowledge, belief and understanding
and will attest to them

V. Notice to Plaintiff Regarding Consent

notary

In accordance with the provisions of 28 U.S.C. § 636(c) and Federal Rule of Civil Procedure 73, you are hereby notified that the United States magistrate judges of this district court may, upon your consent, conduct any or all proceedings in this case, including a jury trial and entry of a final judgment. If you consent, any appeal from a judgment entered by a magistrate judge shall be taken directly to the United States Court of Appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

Magistrate judges have greater flexibility in their schedules than district judges, who have heavy criminal caseloads that take priority over civil trials. Accordingly, the magistrate judges are generally able to schedule prisoner civil rights cases for jury trial much sooner, and they are able to provide firm trial dates. Magistrate judges are experienced trial judges who handle a great number of prisoner civil rights cases.

Your decision to consent to the dispositive jurisdiction of a United States magistrate is entirely voluntary. If you do not consent to a magistrate judge, the case will be randomly assigned to a district judge. The magistrate judge already assigned to this case would continue to decide all pretrial matters and would handle all dispositive motions by report and recommendation.

Please check **ONE** box below to indicate whether you voluntarily consent to proceed with a United States magistrate judge or if you would instead prefer that the case be assigned to a district judge.

☒ I hereby voluntarily consent to the United States magistrate judge conducting all proceedings in this case, including entry of a final judgment and all post-judgment matters.

☐ I request that this case be assigned to a district judge.

9-16-22

Date


Signature of Plaintiff

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.

Kyle Treptow

Notary Public-State of Michigan

Muskegon County

My Commission Expires January 13, 2023

K. Tan 9/16/2022

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Continued

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Kyle Treptow

Notary Public-State of Michigan

Muskegon County

My Commission Expires January 13, 2023

 9/16/2022



US POSTAGESM PITNEY BOWES



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0000386111 SEP. 16. 2022

Clerk of the Court
United States District Court
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Grand Rapids MI 49503

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Ernest C. Brooks Car Assembly
2500 S Sheridan RD.
Muskegon, MI 49444